

tled to an allowance for muster duty performed pursuant to section 12319 of title 10 if the member is engaged in that duty for at least two hours.

(b) The amount of the allowance under this section shall be 125 percent of the amount of the average per diem rate for the United States (other than Alaska and Hawaii) under section 404(d)(2)(A) of this title as in effect on September 30 of the year preceding the year in which the muster duty is performed.

(c) The allowance authorized by this section may not be disbursed in kind. The allowance may be paid to the member before, on, or after the date on which the muster duty is performed, but not later than 30 days after that date. The allowance shall constitute the single, flat-rate monetary allowance authorized for the performance of muster duty and shall constitute payment in full to the member, regardless of grade or rank in which serving, as commutation for travel to the immediate vicinity of the designated muster duty location, transportation, subsistence, and the special or extraordinary costs of enforced absence from home and civilian pursuits, including such absence on weekends and holidays.

(d) A member who performs muster duty is not entitled to compensation for inactive-duty training under section 206(a) of this title for the same period.

(Added Pub. L. 101-189, div. A, title V, § 502(b)(1), Nov. 29, 1989, 103 Stat. 1436; amended Pub. L. 101-510, div. A, title XIV, § 1484(h)(5), Nov. 5, 1990, 104 Stat. 1718; Pub. L. 104-106, div. A, title XV, § 1501(d)(4)(B), Feb. 10, 1996, 110 Stat. 501; Pub. L. 105-85, div. A, title VI, § 627, Nov. 18, 1997, 111 Stat. 1795.)

#### AMENDMENTS

1997—Subsec. (c). Pub. L. 105-85 struck out “and shall be paid to the member on or before the date on which the muster duty is performed” after “disbursed in kind” in first sentence and inserted “The allowance may be paid to the member before, on, or after the date on which the muster duty is performed, but not later than 30 days after that date.” after first sentence.

1996—Subsec. (a). Pub. L. 104-106 substituted “section 12319 of title 10” for “section 687 of title 10”.

1990—Subsec. (a). Pub. L. 101-510 substituted “section 687 of title 10” for “section 691 of title 10”.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Section 1484(h)(5) of Pub. L. 101-510 provided that the amendment made by that section is effective as of Nov. 29, 1989.

### § 434. Subsistence reimbursement relating to escorts of foreign arms control inspection teams

(a) REIMBURSEMENT OF REASONABLE SUBSISTENCE COSTS.—Under uniform regulations prescribed by the Secretaries concerned, a member of the armed forces may be reimbursed for the

reasonable cost of subsistence incurred by the member while performing duties as an escort of an arms control inspection team of a foreign country, or any member of such a team, while the team or the team member, as the case may be, is engaged in activities related to the implementation of an arms control treaty or agreement.

(b) PERIOD OF AUTHORITY.—The authority under subsection (a) applies to the period during which the inspection team, pursuant to authority specifically provided in the applicable arms control treaty or agreement, is in the country where inspections and related activities are being conducted by the team pursuant to that treaty or agreement.

(c) EFFECT OF LOCATION OF MEMBER'S PERMANENT DUTY STATION.—The authority under subsection (a) applies to a member of the armed forces whether the duties referred to in that subsection are performed at, near, or away from the member's permanent duty station.

(Added Pub. L. 102-484, div. A, title VI, § 623(a)(1), Oct. 23, 1992, 106 Stat. 2422.)

#### EFFECTIVE DATE

Section 623(b) of Pub. L. 102-484 provided that: “Section 434 of title 37, United States Code, as added by subsection (a), shall apply with respect to escort duty described in that section which is performed on or after the date of the enactment of this Act [Oct. 23, 1992].”

### § 435. Funeral honors duty: allowance

(a) ALLOWANCE AUTHORIZED.—(1) The Secretary concerned may authorize payment of an allowance to a member of the Ready Reserve for any day on which the member performs at least two hours of funeral honors duty pursuant to section 12503 of title 10 or section 115 of title 32.

(2) The Secretary concerned may also authorize payment of that allowance to a member of the armed forces in a retired status for any day on which the member serves in a funeral honors detail under section 1491 of title 10, if the time required for service in such detail (including time for preparation) is not less than two hours. The amount of an allowance paid to a member under this paragraph shall be in addition to any other compensation to which the member may be entitled under this title or title 10 or 38.

(b) AMOUNT.—The daily rate of an allowance under this section is \$50.

(Added Pub. L. 106-65, div. A, title V, § 578(j), Oct. 5, 1999, 113 Stat. 630; amended Pub. L. 106-398, § 1 [[div. A], title V, § 575(b), title X, § 1087(c)(1)(A)(i)], Oct. 30, 2000, 114 Stat. 1654, 1654A-138, 1654A-292; Pub. L. 107-107, div. A, title V, § 561(b), Dec. 28, 2001, 115 Stat. 1119.)

#### CODIFICATION

Another section 435 was renumbered section 436 of this title.

#### AMENDMENTS

2001—Subsec. (a). Pub. L. 107-107 designated existing provisions as par. (1) and added par. (2).

2000—Pub. L. 106-398, § 1 [[div. A], title X, § 1087(c)(1)(A)(i)], made technical amendment to directory language of Pub. L. 106-65, § 578(j), which enacted this section.

Subsec. (c). Pub. L. 106-398, §1 [[div. A], title V, §575(b)], struck out heading and text of subsec. (c). Text read as follows: "Except for expenses reimbursed under subsection (c) of section 12503 of title 10 or subsection (c) of section 115 of title 32, the allowance paid under this section is the only monetary compensation authorized to be paid a member for the performance of funeral honors duty pursuant to such section, regardless of the grade in which the member is serving, and shall constitute payment in full to the member."

#### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by section 1 [[div. A], title V, §575(b)] of Pub. L. 106-398, applicable with respect to funeral honors duty performed on or after Oct. 1, 2000, see section 1 [[div. A], title V, §575(c)] of Pub. L. 106-398, set out as a note under section 12503 of Title 10, Armed Forces.

Pub. L. 106-398, §1 [[div. A], title X, §1087(c)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-292, provided that the amendment made by that section is effective as of Oct. 5, 1999, and as if included in the National Defense Authorization Act for Fiscal Year 2000, Pub. L. 106-65, as enacted.

### § 436. High-deployment allowance: lengthy or numerous deployments; frequent mobilizations

(a) MONTHLY ALLOWANCE.—The Secretary of the military department concerned shall pay a high-deployment allowance to a member of the armed forces under the Secretary's jurisdiction for each month during which the member—

- (1) is deployed; and
- (2) at any time during that month—

(A) has been deployed for 191 or more consecutive days (or a lower number of consecutive days prescribed by the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness);

(B) has been deployed, out of the preceding 730 days, for a total of 401 or more days (or a lower number of days prescribed by the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness); or

(C) in the case of a member of a reserve component, is on active duty—

(i) under a call or order to active duty for a period of more than 30 days that is the second (or later) such call or order to active duty (whether voluntary or involuntary) for that member in support of the same contingency operation; or

(ii) for a period of more than 30 days under a provision of law referred to in section 101(a)(13)(B) of title 10, if such period begins within one year after the date on which the member was released from previous service on active duty for a period of more than 30 days under a call or order issued under such a provision of law.

(b) DEFINITION OF DEPLOYED.—In this section, the term "deployed", with respect to a member, means that the member is deployed or in a deployment within the meaning of section 991(b) of title 10 (including any definition of "deployment" prescribed under paragraph (4) of that section).

(c) RATE.—The monthly rate of the allowance payable to a member under this section shall be determined by the Secretary concerned, not to exceed \$1,000 per month.

(d) PAYMENT OF CLAIMS.—A claim of a member for payment of the high-deployment allowance that is not fully substantiated by the record-keeping system applicable to the member under section 991(c) of title 10 shall be paid if the member furnishes the Secretary concerned with other evidence determined by the Secretary as being sufficient to substantiate the claim.

(e) RELATIONSHIP TO OTHER ALLOWANCES.—A high-deployment allowance payable to a member under this section is in addition to any other pay or allowance payable to the member under any other provision of law.

(f) NATIONAL SECURITY WAIVER.—No allowance may be paid under this section to a member for any month during which the applicability of section 991 of title 10 to the member is suspended under subsection (d) of that section.

(g) AUTHORITY TO EXCLUDE CERTAIN DUTY ASSIGNMENTS.—The Secretary concerned may exclude members serving in specified duty assignments from eligibility for the high-deployment allowance while serving in those assignments. Any such specification of duty assignments may only be made with the approval of the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness. Specification of a particular duty assignment for purposes of this subsection may not be implemented so as to apply to the member serving in that position at the time of such specification.

(h) PAYMENT FROM OPERATION AND MAINTENANCE FUNDS.—The monthly allowance payable to a member under this section shall be paid from appropriations available for operation and maintenance for the armed force in which the member serves.

(Added Pub. L. 106-65, div. A, title V, §586(b), Oct. 5, 1999, 113 Stat. 638, §435; renumbered §436 and amended, Pub. L. 106-398, §1 [[div. A], title V, §574(c), title X, §1087(b)(4)], Oct. 30, 2000, 114 Stat. 1654, 1654A-137, 1654A-292; Pub. L. 107-107, div. A, title V, §592(a), Dec. 28, 2001, 115 Stat. 1125; Pub. L. 108-136, div. A, title V, §541(b)(1)-(5)(A), Nov. 24, 2003, 117 Stat. 1476, 1477.)

#### AMENDMENTS

2003—Pub. L. 108-136, §541(b)(5)(A), substituted "High-deployment allowance: lengthy or numerous deployments; frequent mobilizations" for "Per diem allowance for lengthy or numerous deployments" in section catchline.

Subsec. (a). Pub. L. 108-136, §541(b)(1), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: "The Secretary of the military department concerned shall pay a high-deployment per diem allowance to a member of the armed forces under the Secretary's jurisdiction for each day on which the member (1) is deployed, and (2) has, as of that day, been deployed 401 or more days out of the preceding 730 days. The Secretary shall pay the allowance from appropriations available for operation and maintenance for the armed force in which the member serves."

Subsec. (c). Pub. L. 108-136, §541(b)(2), amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: "The amount of the high-deployment per diem payable to a member under this section is \$100."

Subsec. (d). Pub. L. 108-136, §541(b)(4)(A), struck out "per diem" before "allowance".